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Eighteenth session

SUMMARY RECORD OF THE 460th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 22 May 1998, at 3 p.m.

Chairperson: Mr. KOLOSOV

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Democratic People's Republic of Korea (continued) (CRC/C/3/Add.41; CRC/C/Q/DPRK/1)

1. At the invitation of the Chairperson, the members of the delegation of the Democratic People's Republic of Korea resumed their places at the Committee table.

2. Mr. CHAE Ryang Il (Democratic People's Republic of Korea), replying to questions raised at the previous meeting, said that children who had lost both their parents received special protection and assistance from the State. They were cared for and educated in institutions corresponding to the different levels of the school system. Thus, children under the age of four were placed in nurseries, those aged four to six in kindergartens, and so on up to school-leaving age. While funding for such institutions had diminished following the natural disasters of the mid-1990s, his Government strove to ensure that orphaned children suffered no disadvantage in comparison with their peer group, and he therefore welcomed the offers of support and cooperation received from the international bodies which had visited those institutions in recent years. The importance of providing a family-type environment was recognized by his Government, and it had begun to encourage alternative solutions to institutionalization of orphaned children, including placement with foster parents or members of the extended family.

3. Children with disabilities were defined as those with an obvious physical handicap, such as blindness, deafness or paralysis. Those with a mental handicap were assessed by a three-member panel to determine the extent of the handicap and, whether it could be categorized as a disability and, if so, what treatment was required. Children handicapped to a lesser degree, such as those with learning difficulties, were educated in mainstream schools.

4. In 1996, 6.8 per cent of the national budget had been allocated to education to fund, inter alia, payment of teachers' salaries, school management, and procurement of textbooks and educational equipment. That figure did not, however, account for all spending on education since the building and maintenance of schools were funded from the State budget for capital construction and the purchase of school uniforms from the budget of the Ministry of Commerce. Children were also offered a wide range of extracurricular activities at "children's palaces" specially built for the purpose, as well as excursions during vacations, which were organized by youth leagues, women's associations or other groups. Thus, it was difficult to place an exact figure on total spending.

5. Mr. HO O Bum (Democratic People's Republic of Korea), replying to the questions on health, said that nutritional indicators had met the targets set by his Government, only to decline in recent years. The immunization of children against diphtheria, measles, pertussis, tetanus and tuberculosis was being carried out systematically in special clinics attached to every school, but his Government's ambitious goal of achieving universal coverage within the next two to three years was being hampered by a shortage of vaccines. While

the impact of environmental pollution on health was negligible as yet, it had been necessary to take measures to combat air pollution in certain highly industrialized areas where the emission of noxious gases from metallurgical plants had become a cause for concern. Extensive research had been carried out and sizeable funds directed at solving the problem, and international cooperation would be welcomed.

6. Psychiatric illness was rare in his country and was attributable only to intrinsic factors, such as the personality of the individual, since alcoholism, drug abuse and the various social stresses which caused psychosis were almost non-existent. Given the destructive effects of mental illness, his Government was firmly convinced that prevention was better than cure. Thus, children were screened annually to facilitate the early detection and treatment of symptoms of psychosis, before the condition became chronic. Psychiatric prevention hospitals had been established in every province, while each city or district hospital had a psychiatric prevention department, and research was conducted at the Psychiatric Research Centre of the Academy of Medical Sciences.

7. Adolescence was defined in his country as the years leading up to and immediately following graduation from secondary middle school. Provision had been made for the special physical and psychological needs of children in that age group. The doctors at the special clinics attached to schools offered counselling, while sex education, with special emphasis on ethics, was provided within the context of extracurricular activities. The problem of suicide among adolescents was almost unknown. Since social inequalities were few and discrimination non-existent, children contemplated the future with hope and were unlikely to fall prey to the feelings of isolation and inadequacy which often led to depression. Most were too busy with school work and extracurricular activities to dwell upon their emotional problems.

8. In accordance with the Family Law of the Democratic People's Republic of Korea (DPRK), when a husband and wife divorced, both remained responsible for the maintenance of their children, with the parent who gained custodial rights (usually the mother), receiving between 10 and 30 per cent of her former spouse's income for the children until they reached working age. Where the parents lived together, it was customary for the husband to hand over all his wages to his wife, who bore the primary responsibility for running their domestic affairs. Non-payment of maintenance and failure to provide for a child were not problems in his country.

9. The CHAIRPERSON invited further comments and questions, especially on special protection measures.

10. Mrs. KARP, thanking the delegation for its clarification of the issue of majority at age 17, appreciated that plans were afoot to reconsider it in certain areas, including the criminal justice system. She noted a discrepancy between paragraph 87 of the report, which defined the age group to which social education measures applied as 14 to 16, while the written replies gave an upper limit of 17. Even so, she was concerned about young offenders aged 17 or 18, not merely in terms of social education measures, but owing to the need for judges trying those cases to have received the same special psychological training as their counterparts in the juvenile justice system.

She wondered whether adolescents aged 17, if considered as adults for that purpose, could also be sentenced to rehabilitation through work, which she considered to be a form of forced labour.

11. She hoped that the delegation could refute the allegation that the minimum age at which the death penalty could be imposed had been reduced from 18 to 17. She inquired whether international instruments other than the Convention, relating to the criminal justice system for adolescents up to the age of 18, had been incorporated into the country's legislation and whether judges and law-enforcement officers were trained to comply with the relevant provisions. She wished to know whether the social education measures involved deprivation of liberty as a deterrent.

12. Mrs. PALME stressed the importance of taking a longer view of the country's nutrition problem than mere interaction with the international aid organizations, which also needed funds to finance their programmes. She therefore appealed to the DPRK to assume greater responsibility in that regard, with possible assistance with monitoring and statistics. She applauded the country's well-documented positive approach, exemplified in its introduction of the "baby-friendly hospital initiative", a vital first step towards adequate nutrition.

13. In the light of scientific findings that children needed a family atmosphere in order to learn to assume responsibility vis-à-vis the family and society, she hoped that the DPRK would give thought to placing institutionalized children in smaller establishments or in foster care. She reiterated her request for continued negotiations between the Koreas on measures for family reunification.

14. Referring to article 34 concerning sexual exploitation, she said that while the DPRK might not directly face that problem which was alien to its culture, she felt there was a need for intensive preventive measures, not least in the less well-policed border areas.

15. Mr. RABAH, referring to special protection measures, wished to know the number of young offenders, the forms of sentencing, whether they were imprisoned with adults and whether any alternative measures were applied to them. It would be useful to know whether they were governed by a special law, placed in rehabilitation centres attended by social workers and afforded access to legal aid, and whether there were any special police guidelines regulating the handling of such offenders. He inquired about education and health facilities in youth custody centres and the problems encountered in contacting offenders' families, especially in the case of foreigners, and how they were monitored.

16. The CHAIRPERSON endorsed the questions raised by Mr. Rabah and hoped that there were measures in place for safeguarding young offenders.

17. Mr. HO O Bum (Democratic People's Republic of Korea) pointed out that there was a typographical error in the third line of paragraph 87, of the report (CRC/C/3/Add.41): "14 and 16" should read "14 and 18". There had also been a misunderstanding over capital punishment: with the country's accession to the Convention, the minimum age had been raised from 17 to 18.

18. Under the reform through labour programme, offenders were transferred to rehabilitation centres where they engaged in necessary tasks based on their former jobs and expertise. They thus came to understand their mistakes and underwent transformation. The DPRK did not associate forced labour with reform through work, the purpose of which was to facilitate the offenders' social reintegration upon release. While working in a restricted area, offenders were entitled to weekly visits. There were no children at those centres and even adults, if first offenders or guilty of an unwitting mistake, were considered for community education rather than confinement in reform centres. While some young offenders were required to appear at the security offices to be admonished, under the community education system children were rarely deprived of their liberty. Unlike adult offenders, they were delivered to their parents, the children's organization to which they belonged or the school, so that they could learn from the positive example of different social entities, which combined their efforts to educate the child.

19. Orphanages had been established in each province by a 1951 decree issued by President Kim Il Sung, who had also determined amounts of food to be supplied to orphans. On the premise that children should benefit from a family environment, efforts were being made to create such an environment. Where that failed, the State should provide alternative conditions for children.

20. Sexual exploitation of children was not a topic of popular discussion in his country. Prostitution, rife during the Japanese occupation, had been eradicated upon the country's liberation. The inhuman traffic in human beings was unthinkable in the DPRK and totally alien to its culture and social reality. He did, however, acknowledge the need for vigilance on the quieter parts of the borders.

21. Answering Mr. Rabah, he said that he was unable to supply statistics on the number of young offenders in prison because such offenders were not given custodial sentences but were made subject to a community education order. Rehabilitation centres for children did not therefore exist. Public security officers were trained in the prevention of juvenile crime and in the appropriate measures to be taken if young people did commit an offence. He outlined the provisions of the Code of Criminal Procedure regarding the trial and pre-trial detention of adults, but stressed that children were not concerned by them.

22. Foreign children did not suffer any discrimination if they attended Korean schools and were not covered by any special monitoring system. There were some schools for foreign children which were completely independent and not subject to government supervision.

23. Mr. PARK Dok Hun (Democratic People's Republic of Korea), replying to Mrs. Palme, said that it had been his Government's consistent policy to try to alleviate the sorrow of 10 million people whose families were divided. Between 1954 and 1992 his country had submitted many proposals and adopted bold measures aimed at opening the border and uniting North and South Korea through travel, contacts, negotiation and solidarity.

24. Mrs. KARP stated that she was very interested in the community education system for young offenders outlined by the delegation. Did those measures also apply to youngsters who had committed very serious crimes, like murder? Were those children not a danger to the public if they remained at liberty?

25. The CHAIRPERSON reminded the delegation that it had not answered the question about breastfeeding.

26. Mrs. PALME asked why the delegation did not include any women.

27. Mr. CHAE Ryang Il (Democratic People's Republic of Korea) explained that the only woman member of the delegation was too busy to attend the meeting that afternoon.

28. Mrs. PALME observed that in the DPRK girls had traditionally been under-represented in higher education and inquired whether a better balance had been achieved in recent years.

29. Mr. CHAE Ryang Il (Democratic People's Republic of Korea) said that women played an extremely important role in the family. At the same time, there were many women politicians and teachers. Although the percentage of women employed in different sectors varied, an overall balance between the sexes had been achieved.

30. Mr. HO O Bum (Democratic People's Republic of Korea) quoted a Korean proverb to make the point that women were respected members of society. They were active in the fields of politics, education, medicine, administration, business and agriculture. His Government would ensure that the delegation was more balanced in future.

31. The main purpose of his country's criminal justice system was to reintegrate the offender in society. No criminal was so dangerous as to require incarceration. Rehabilitation centres set out to make offenders feel pangs of conscience. They were encouraged to engage in self-criticism and reform their character through labour and by following good examples. The same theory applied to young offenders, no matter how serious the crime they had committed.

32. The CHAIRPERSON said he looked forward to a future situation in which representatives of all international organizations would be able to observe conditions in the DPRK at first hand.

The meeting was suspended at 4.55 p.m. and resumed at 5.10 p.m.

33. Mrs. KARP said she was encouraged by the delegation's willingness to indicate fundamental areas in which the DPRK could benefit from further international assistance. She hoped that the DPRK would see itself as a partner in such efforts, and not simply as a recipient of aid. That was not only the best way to enhance the status of children in the country, but would also help establish greater dialogue between the DPRK and other countries.

34. Although the delegation had said that child victimization in some areas was not regarded as particularly important because of the low numbers involved, she emphasized that the Convention addressed the rights of the individual child. She therefore recommended a change of approach on the part of the authorities concerned.

35. She commended the DPRK's approach in focusing on education as the best way of interacting with children. Its programmes dealing with juvenile delinquency could serve as examples to the world, if only the world were made more aware of them. There was still an unacceptable level of corporal punishment in families, and she hoped that more effort would be devoted to education in that area.

36. Mrs. PALME said that the efforts to tackle malnutrition being undertaken jointly with UNICEF and other international organizations must be pursued urgently. It was highly important to establish long-term plans to improve conditions for infants, breastfeeding mothers and mothers to be, particularly in hospitals. The re-establishment of fresh water supplies would have the most beneficial long-term impact on children's health.

37. Although she had noted with approval that capital punishment could not apply to persons under 18 years of age, she expressed her concern that that situation was inconsistent with the fact that the age of majority was 17 years.

38. Mr. RABAH thanked the delegation for the very full replies it had given to the Committee. He would like to see greater efforts made to improve the collection and analysis of statistics, and noted that the DPRK appeared to have the necessary resources at university level for that purpose. He remained dissatisfied with some of the answers given concerning child labour, and felt it was unlikely that the DPRK encountered no problems at all in relation to street children, given the size of its population.

39. Finally, he considered that further clarification was needed regarding the operation of the juvenile justice system and possible gaps in the legislation on which it was based.

40. The CHAIRPERSON said it was clear that factors such as the division of Korea into two parts and the natural disasters suffered subsequently by the DPRK had impeded the latter's implementation of the Convention to a certain extent. Nevertheless, the view had been expressed that it was still possible for the DPRK to mobilize domestic resources in order to address its current difficulties.

41. The Committee had noted that the DPRK would welcome technical assistance to help establish coordinating mechanisms for data organization and analysis, courses for professionals engaged in rehabilitation of the disabled, and courses aimed at improving understanding of the Convention and establishing ways of integrating disabled children into society.

42. Other areas where improvements could be made were the teaching of foreign languages, which improved children's understanding of their country's place in the international community, and human rights research, to which

visiting scholars could contribute if invited to do so. He recommended that the competent authorities should consider adopting a special children's rights code, in order to incorporate the provisions of the Convention more fully in national legislation.

43. The DPRK should not exclude the possibility of acceding to other international conventions relating to children's rights. Even in a satisfactory situation accession to other such legal instruments provided additional guarantees against any deterioration in the situation. Greater openness on the part of the DPRK would be sure to enhance the benefits of international assistance. He hoped that members of the Committee might visit the DPRK sometime in the context of the assistance provided by UNESCO.

44. In conclusion, he thanked the DPRK delegation for the full oral and written answers it had provided, and hoped that the open and constructive dialogue which had been established during the Committee's meetings would be conducive to improving the lives of all children in the DPRK.

45. Mr. HO O Bum (Democratic People's Republic of Korea) thanked the Committee for affording his country the opportunity to engage in such a useful discussion. His delegation had greatly appreciated the sincere cooperation and advice offered by individual members of the Committee, and was convinced that the questions they had raised, especially with regard to the problems of malnutrition and new legislation, would form the basis for improved implementation of the Convention and other human rights instruments in his country.

46. He thanked UNICEF and the World Food Programme for the assistance they provided to his country and appealed, through the Committee, for more international cooperation to overcome the consequences of the natural disasters his country had suffered.

47. The CHAIRPERSON, thanking the delegation for its cooperation, said he was sure that by the time it next reported to the Committee, further significant progress would have been achieved.

The meeting rose at 5.40 p.m.